IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY SIXTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HONOURABLE MR JUSTICE BILAL NAZKI

-

WRIT PETITION No.19252 of 1995

Between:

1. Donepudi Ram Mohan Rao S/o Venkata Krishna Rao,
   R/o Devarakota Village, Ghantasal Mandal,
   Krishna District.
2. Konagala Veeraiah S/o Pitchaiah,
   R/o Devarakota Village, Ghantasal Mandal,
   Krishna District.
3. Bolem Alaraju S/o Venkatadri
   R/o Devarakota Village, Ghantasal Mandal,
   Krishna Dist.
4. Bolem Narayana rao S/o Tatabbai
   R/o Devarakota Village, Ghantasal Mandal,
   Krishna Dist.
5. Bolem kavulaiah S/o Tataiah
   R/o Devarakota Village, Ghantasal Mandal,
   Krishna Dist.
6. Bolem Subbarao S/o Somaiah
   R/o Devarakota Village, Ghantasal Mandal,
   Krishna Dist.
7. Konagala Chandraiah S/o Veeraiah
   R/o Devarakota Village, Ghantasal Mandal,
   Krishna Dist.
8. Konagala Nageswara Rao S/o Chandraiah
   R/o Devarakota Village, Ghantasal Mandal,
   Krishna Dist.
9. Konagala Samudrayya S/o Venkaiah
   R/o Devarakota Village, Ghantasal Mandal,
   Krishna Dist.
10. Bolem Tatabbai S/o Venkatadri
    R/o Devarakota Village, Ghantasal Mandal,
    Krishna Dist.
11. Konagala Venkamma W/o Chandraiah

R/o Devarakota Village, Ghantasal Mandal,
Krishna Dist.

12. Bolem Venkatesu S/o Tataih
R/o Devarakota Village, Ghantasal Mandal,
Krishna Dist.
13. Bolem Vasant Rao S/o Alaraju
R/o Devarakota Village, Ghantasal Mandal,
Krishna Dist.
14. Konagala ramaiah S/o padapitchaiah
R/o Devarakota Village, Ghantasal Mandal,
Krishna Dist.
15. V.V. Ramakrishna S/o Venkateswarlu
R/o Devarakota Village, Ghantasal Mandal,
Krishna Dist.
16. D. Ramaratnam S/o Venkateswarlu
R/o Devarakota Village, Ghantasal Mandal,
Krishna Dist.
17. Konagala Gopalakrishna S/o Raghavulu
R/o Devarakota Village, Ghantasal Mandal,
Krishna Dist.
18. D. Koteswara Rao S/o Ramaiah
R/o Devarakota Village, Ghantasal Mandal,
Krishna Dist.
19. Kantamneni Koteswara Rao S/o Ramaiah
R/o Devarakota Village, Ghantasal Mandal,
Krishna Dist.
20. Donepudi Rama Devi W/o Gopala Rao
R/o Devarakota Village, Ghantasal Mandal,
Krishna Dist.
21. Parchuri Seetharamaiah S/o Rattaiah
R/o Chittoorpu Village, Ghantasal Mandal,
Krishna Dist.
22. Lukka Balaraju S/o Kotaiah
R/o Chittoorpu Village, Ghantasal Mandal,
Krishna Dist.
23. Rebba Hemalatha W/o Subbaiah
R/o Chittoorpu Village, Ghantasal Mandal,
Krishna Dist.
24. Nadellayoga Venkateswara Rao S/o Raghavaiah
R/o Chittoorpu Village, Ghantasal Mandal,
Krishna Dist.
25. Nadella Raghavaiah S/o Nagaiah
R/o Chittoorpu Village, Ghantasal Mandal,
Krishna Dist.
26. Nadella Nagaiah S/o Venkaiah
R/o Chittoorpu Village, Ghantasal Mandal,
Krishna Dist.
27. Nadella Atchamma W/o Nagaiah
R/o Chittoorpu Village, Ghantasal Mandal,
Krishna Dist.
28. Rebba Venkateswarlu S/o Nagaiah
R/o Chittoorpu Village, Ghantasal Mandal,
Krishna Dist.

29. Nadella Raghavaiah S/o Nagaiah
    R/o Chittoorpu Village, Ghantasal Mandal, Krishna Dist.
30. Parchuri Balagangadhararao S/o Rattaiah
    R/o Chittoorpu Village, Ghantasal Mandal,
    Krishna Dist.
31. Vemuri Venkateswara Rao S/o Kutumba Rao
    R/o Ghantasala Village & Mandal, Krishna Dist.
32. U.B. Prasad S/o Prataparao
    R/o Ghantasala Village & Mandal, Krishna Dist.
33. M. Basaveswara Rao S/o Kutumba Rao
    R/o Ghantasala Village & Mandal, Krishna Dist.
34. Vemuri Eswarachandravidyasagar S/o Parvatarao
    R/o Ghantasala Village & Mandal, Krishna Dist.
35. Vemuri Radamma, W/o Paratpar Rao,
    R/o Ghantasala Village & Mandal, Krishna Dist.
36. Vemuri Rajyalakshmi W/o Dasaradaramaiah
    R/o Ghantasala Village & Mandal, Krishna Dist.
37. Dokku Balakrishnaiah S/o Sivaiah
    R/o Ghantasala Village & Mandal, Krishna Dist.
38. Vemuri Pattabhiramaiah S/o Ramasubbaiah
    R/o Ghantasala Village & Mandal, Krishna Dist.
39. Devineni Ramamohana Rao S/o Venkataswamy
    R/o Ghantasala Village & Mandal, Krishna Dist.
40. Madala Basavapurnachandrarao S/o Kutumba Rao
    R/o Ghantasala Village & Mandal, Krishna Dist.
41. Madala VenkataSeetamma W/o Basavapurnachandrarao
    R/o Ghantasala Village & Mandal, Krishna Dist.
42. Vemuri Radhakrishna S/o Venkataratnam
    R/o Ghantasala Village & Mandal, Krishna Dist.
43. Vemuri Venkateswara Rao S/o Venkataratnam
    R/o Ghantasala Village & Mandal, Krishna Dist.
44. Kasturi Srinivasa Rao S/o Lakshmipathi
    R/o Ghantasala Village & Mandal, Krishna Dist.
45. Vemuri Ramakrishna S/o Venkatramaiah
    R/o Ghantasala Village & Mandal, Krishna Dist.
46. Madala Venkatakrishna Rao S/o Kutumba Rao
    R/o Ghantasala Village & Mandal, Krishna Dist.
47. M. Rambabu S/o Kutumba Rao
    R/o Ghantasala Village & Mandal, Krishna Dist.
48. Donepudi Suryaprakasha Rao S/o Devaiah
    R/o Ghantasala Village & Mandal, Krishna Dist.
49. Vorriparthi Venkateswararao S/o Govindu
    R/o Ghantasala Village & Mandal, Krishna Dist.
50. Tummala Venkata Narayana S/o Ramakotaiah
    R/o Ghantasala Village & Mandal, Krishna Dist.
51. Tummala Ramakotaiah S/o Venkaiah
    R/o Ghantasala Village & Mandal, Krishna Dist.
52. Vemuri Venkataratnam S/o Brahmaiah
    R/o Ghantasala Village & Mandal, Krishna Dist.
53. Vemuri Ramasubbaria S/o Brahmaiah
    R/o Ghantasala Village & Mandal, Krishna Dist.
54. Vemuri Chalamaiah S/o Raghavaiah
    R/o Ghantasala Village & Mandal, Krishna Dist.

55. Vemuri Basavaiah S/o Krishnaiah
R/o Ghantasala Village & Mandal, Krishna Dist.
56. Vemuri Pattabhiramaiah S/o Venkatramaiah
R/o Ghantasala Village & Mandal, Krishna Dist.
57. Dasari Venkateswararao
R/o Ghantasala Village & Mandal, Krishna Dist.
58. Vemuri Arjuna Rao S/o Venktramaiah
R/o Ghantasala palem Village, Ghantasala Mandal,
Krishna Dist.
59. Vemuri Raveendra Rao S/o Koteswara Rao
R/o Ghantasala palem Village, Ghantasala Mandal,
Krishna Dist.
60. U.S.K. Lakshmikumar S/o Venkatramaiah
R/o Ghantasala palem Village, Ghantasala Mandal,
Krishna Dist.

.... PETITIONERS

AND

1. The District Collector,
Krishna, Machilipatnam.
2. The Mandal Revenue Officer,
Ghantasala Mandal, Krishna Dist.

3. The Project Director, D.R.D.A., Krishna District.

(R3 is impleaded as per Court order dt.26.8.2004 in

WPMP No.24869/95)

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to grant an appropriate Writ, order direction more in the nature of writ of mandamus, declaring the action of respondents in proposing is grant tree pattas from "Chitturpu bridge to Ghantasala bridge" on Gunderu drain bund in Ghantasala Mandal of Krishna Dist. as illegal, unconstitutional and arbitrary and consequently restrain them from granting any pattas on Gunderu drain bund.

(Prayer is amended as per Court order dt.28.8.95 in WPMP.23694/95)

Counsel for the Petitioners: MR.T.JAGADISH

Counsel for the Respondent Nos.1 and 2: GP FOR REVENUE

Counsel for the Respondent No.3: None appeared.

The Court made the following:

-

-

-

-

ORDER:

-

Heard learned Counsel for the parties.

This writ petition has been filed seeking a declaration that the action of the respondents in proposing to grant tree pattas from Chitturpu Bridge to Ghantasala bridge on Gunderu drain bund in Ghantasala Mandal in Krishna District was illegal and unconstitutional. The petitioners had contending they are owners of the land in the vicinity and by granting tree pattas over the bund that would affect their rights of irrigation as well as protection of the land.

Counter has not been filed. But, it is brought to my notice that the Government has already passed a Memo. No.160/Irrign.11-2/88-1, dt.8.3.1988 whereby it has directed that the drain bunds and berms should not be given for any occupation whatsoever on lease. In view of such Government instructions, this Writ petition has become infructuous. Even otherwise grant of tree pattas was proposed in the year 1995, which had been stayed by this Court. On that account also, no further orders are necessary.

The writ petition is dismissed as 'infructuous'. No costs.

_____

Date : AUGUST 26, 2004. **BILAL NAZKI, J**

YS

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The District Collector,
   Krishna, Machilipatnam.
2. The Mandal Revenue Officer,
   Ghantasala Mandal, Krishna Dist.

3. The Project Director, D.R.D.A.,

Krishna District.

4. Two CCs to the G.P. for Revenue,

High Court of A.P., Hyderabad (O.U.T)

5. Two C.D. copies.